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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JEFF GRIFFEN, ) Case No.: C 10-2336 PVT  
Plaintiff, )  
v. )  
WASTE MANAGEMENT, INC., et al., )  
Defendants. )  
\_\_\_\_\_  
)

ORDER RE PLAINTIFF'S MOTION FOR  
LEAVE TO AMEND COMPLAINT PURSUANT  
TO RULE 15, FEDERAL RULES OF CIVIL  
PROCEDURE, AND FOR ENLARGEMENT OF  
TIME PURSUANT TO LOCAL RULE 6-2(A)  
**(Re: Docket No. 12)**

On November 4, 2010, Plaintiff filed a Motion for Leave to Amend Complaint Pursuant to Rule 15, Federal Rules of Civil Procedure, and for Enlargement of Time Pursuant to Local Rule 6-2(a).<sup>1</sup> Based on the moving papers and the file herein,

IT IS HEREBY ORDERED that Plaintiff's First Amended Complaint is deemed properly filed. Under the circumstances of this case, no leave of court to file the amended complaint was required. *See, FED.R.CIV.PRO. 15(a)* (under which a plaintiff may amend a complaint once "as a matter of course" up until 21 days after serving it).

IT IS FURTHER ORDERED that Plaintiff's motion for enlargement of time is GRANTED. The deadline for Plaintiff to serve the summons, amended complaint and related documents is

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<sup>1</sup> The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 EXTENDED to November 30, 2010. Defendants shall have 21 days to answer or otherwise respond  
2 to the amended complaint.

3 IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this order along with the  
4 summons, amended complaint and related documents.

5 IT IS FURTHER ORDERED that the Case Management Conference in this case is  
6 CONTINUED to January 18, 2011. The parties shall file their Joint Case Management Conference  
7 Statement no later than January 11, 2011.

8 IT IS FURTHER ORDERED that Plaintiff's counsel shall apply for admission to the bar of  
9 this court no later than November 30, 2010.

10 IT IS FURTHER ORDERED that, absent exigent circumstances, Plaintiff will not be granted  
11 any further extensions of time to serve the complaint and for his attorney to apply for admission to  
12 the bar of this court. This action was filed over five months ago. Plaintiff's counsel has already had  
13 ample time to effect service of the summons and complaint, and to apply for admission to the bar of  
14 this court.

15 Dated: 11/10/10

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17 PATRICIA V. TRUMBULL  
United States Magistrate Judge

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